

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1728 be amended to read as follows:

- 1 Page 12, line 40, delete "(a)".
- 2 Page 12, between lines 41 and 42, begin a new paragraph and insert:
- 3 "SECTION 8. [EFFECTIVE JANUARY 1, 2004
- 4 (RETROACTIVE)] (a) **Notwithstanding IC 6-3-1-11, as effective**
- 5 **before the passage of this act, this SECTION applies to taxable**
- 6 **years beginning after December 31, 2003, and before January 1,**
- 7 **2005.**
- 8 (b) **The term "Internal Revenue Code" means the Internal**
- 9 **Revenue Code of 1986 of the United States as amended and in**
- 10 **effect on January 1, 2004.**
- 11 (c) **Whenever the Internal Revenue Code is mentioned in IC 6-3,**
- 12 **the particular provisions that are referred to, together with all the**
- 13 **other provisions of the Internal Revenue Code in effect on January**
- 14 **1, 2004, that pertain to the provisions specifically mentioned, shall**
- 15 **be regarded as incorporated in IC 6-3 by reference and have the**
- 16 **same force and effect as though fully set forth in IC 6-3. To the**
- 17 **extent the provisions apply to IC 6-3, regulations adopted under**
- 18 **Section 7805(a) of the Internal Revenue Code and in effect on**
- 19 **January 1, 2004, shall be regarded as rules adopted by the**
- 20 **department under IC 6-3, unless the department adopts specific**
- 21 **rules that supersede the regulation.**
- 22 (d) **An amendment to the Internal Revenue Code made by an act**
- 23 **passed by Congress before January 1, 2004, that is effective for any**
- 24 **taxable year that began before January 1, 2004, and that affects:**
- 25 (1) **individual adjusted gross income (as defined in Section 62**

1           of the Internal Revenue Code);  
 2           **(2) corporate taxable income (as defined in Section 63 of the**  
 3           **Internal Revenue Code);**  
 4           **(3) trust and estate taxable income (as defined in Section**  
 5           **641(b) of the Internal Revenue Code);**  
 6           **(4) life insurance company taxable income (as defined in**  
 7           **Section 801(b) of the Internal Revenue Code);**  
 8           **(5) mutual insurance company taxable income (as defined in**  
 9           **Section 821(b) of the Internal Revenue Code); or**  
 10          **(6) taxable income (as defined in Section 832 of the Internal**  
 11          **Revenue Code);**  
 12          **is also effective for that same taxable year for purposes of**  
 13          **determining adjusted gross income under IC 6-3-1-3.5."**  
 14          Page 12, line 42, delete "(b) This" and insert "(e) However, this".  
 15          Page 13, line 1, delete "from" and insert "in computing".  
 16          Page 13 line 2, after "amount of" insert "**bonus depreciation (as**  
 17          **defined in IC 6-3-12-33, as amended by this act, or IC 6-5.5-1-20,**  
 18          **as amended by this act, as applicable) or"**.  
 19          Page 13, line 4, delete "taken by the taxpayer" and insert "**in any**  
 20          **taxable year beginning"**.  
 21          Re-number all SECTIONS consecutively.  
         (Reference is to HB 1728 as printed February 25, 2005.)

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Representative Espich